

TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICES

PART 955
 HEALTH CARE WORKER BACKGROUND CHECK CODE

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AUTHORITY: Implementing and authorized by the Health Care Worker Background Check Act [225 ILCS 46].

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Section 955.300 Health Care Worker Registry

- a) The Department will establish and maintain a Health Care Worker Registry of unlicensed individuals and employees who:
 - 1) *Are employed or retained by a health care employer as home health care aides, nurse aides, certified nursing assistants, personal care assistants, private duty nurse aides, day training personnel, or an individual working in any similar health-related occupation where he or she provides direct care (e.g., resident attendants, child care/habilitation aides/developmental disabilities aides, and psychiatric rehabilitation services aides), or in positions where they have access to long-term care residents or the living quarters or financial, medical, or personal records of long-term care residents; (Section 10 of the Act)*
 - 2) *Have satisfactorily completed the training required by Section 3-206 of the Nursing Home Care Act, Section 3-206 of the MC/DD Act, or Section 3-206 of the ID/DD Community Care Act; (Section 26 of the Act) or*
 - 3) *Have begun a current course of training as set forth in Section 3-206 of the Nursing Home Care Act, Section 3-206 of the MC/DD Act, or Section 3-206 of the ID/DD Community Care Act. (Section 26 of the Act)*

- b) *Any individual or employee placed on the Health Care Worker Registry is required to inform the Department of any change of address within 30 days after the effective date of the change of address. (Section 26 of the Act)*
- c) *The Health Care Worker Registry will include the information contained in the registries established under Section 3-206.01 of the Nursing Home Care Act, Section 3-206.01 of the MC/DD Act, and Section 3-206.01 of the ID/DD Community Care Act. (Section 26 of the Act)*
- d) *The Health Care Worker Registry will document criminal history records check results pursuant to the requirements of the Act and this Part. (Section 28(c) of the Act)*
- e) *The Health Care Worker Registry maintained by the Department exclusive to health care employers, staffing agencies, workforce intermediaries, organizations that provide pro bono legal services, and educational entities will clearly indicate whether an individual is eligible for employment and will include the following:*
 - 1) *The individual's name;*
 - 2) *His or her current address;*
 - 3) *Social Security number or federal taxpayer identification number;*
 - 4) *The date and location of the training course completed by the individual; (~~Section 26 of the Act~~Section 3-206.01(a-5) of the Nursing Home Care Act)*
 - 5) *Information identifying where an individual received his or her clinical training; (Section 3-206(a)(5) of the Nursing Home Care Act)*
 - 6) *Whether the individual has any of the disqualifying convictions listed in Section 25 of the Health Care Worker Background Check Act from the date of the training course completed by the individual~~training course completed by the individual~~;*
 - 7) *The date of the individual's last criminal records check; (Section 26 of the Act~~Section 3-206.01(a-5) of the Nursing Home Care Act~~)*
 - 8) *Whether the individual has any findings as reported by the Inspector General of the Department of Human Services, under subsection (s) of*

Section 1-17~~(s)~~ of the Department of Human Services Act; (Section 27(g) of the Act)

- 9) *Whether the individual has a waiver pending under Section 40 of the Health Care Worker Background Check Act (Section 3-206.01(a-5)(1) of the Nursing Home Care Act), and the following language:*

"A waiver granted by the Department of Public Health is a determination that the individual is eligible to work in a health care facility. The Equal Employment Opportunity Commission provides guidance about federal law regarding hiring of individuals with criminal records." (Section 3-206.01(a-5)(2) of the Nursing Home Care Act); and

- 10) *A link to Equal Employment Opportunity Commission guidance regarding hiring of individuals with criminal records. (Section 3-206.01(a-5)(3) of the Nursing Home Care Act)*

f) *The publicly accessible version of the Health Care Worker Registry will:*

- 1) *Report that an individual is ineligible to work, if he or she has a disqualifying offense under Section 25 of the Health Care Worker Background Check Act and has not received a waiver under Section 40 of the Act;*
- 2) *Report that an individual is eligible to work, if he or she has received a waiver for one or more disqualifying offenses under Section 40 of the Act and he or she is otherwise eligible to work. The publicly accessible Health Care Worker Registry shall not report information regarding the granting or denial of a waiver; (Section 3-206.01(a-10) of the Nursing Home Care Act)*
- 3) *Include findings as reported by the Department that an employee, or former employee, has been guilty of abuse or neglect of a resident or misappropriation of resident property or whether the Department has made any other applicable finding as set forth in this Part, including the employee's, or former employee's, statement relating to the finding or a clear and accurate summary of the statement; (Section 27(f) of the Act) and*
- 4) *Include findings as reported by the Inspector General of the Department of Human Services, under subsection (s) of Section 1-17~~(s)~~ of the Department of Human Services Act. (Section 27(g) of the Act)*

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(Source: Amended at 47 Ill. Reg. _____, effective _____)